

REMARKS

Claims 9-13, 15 and 16 are pending. Claim 16 has been amended herein. Claim 16 has been further amended herein to clarify the contact between the surfaces. Applicant respectfully asserts that no new matter has been added by the amendment.

The Claimed Invention is Novel

Claim 16 stands rejected under 35 U.S.C. § 102(e) as allegedly anticipated by Malin (U.S. Patent No. 6,167,597). Applicant respectfully traverses the rejection.

Applicant does not acquiesce in the Examiner's assertion that Malin can be deemed to teach pairs of contact surfaces which lie on respective opposite sides of a medial plane be – as can be plainly seen from the drawing on page 3 of the Office Action – the pair of contact surfaces continues selected by the examiner continue on both sides of the medial plane. The examiner has selected not a “pair” of contact surfaces – which necessarily in Malin lie on, or continue to both sides of the medial plane, but rather the examiner has highlighted only a portion of a pair of contact surfaces contrary to what the skilled artisan would recognize as what applicant intends and teaches as a “pair of contact surfaces.” Furthermore, the examiner has not elected pairs of contact surfaces which lie at the “ends” of the respective posts or heels, as is required in the claimed invention. The examiner argues that there is no language in the claim to preclude such an interpretation. The examiner argues that “the angled surface toward the end of a posts contacts an angled surface adjacent the opposite base considered to be a heel, and not only the heel but the end of the heel adjacent the base.” Applicant respectfully but emphatically disagrees with the examiner's position. The skilled artisan would ***unquestionably*** appreciate the difference between the *pairs* of contact surfaces at *ends* of the posts and heels as defined in the instant claims and taught in Applicant's specification, and the *portions* of pairs of contacts “*toward*” the ends of the post and heel structures shown in Malin. Notwithstanding the foregoing, Applicant has nonetheless further amended claim 16 to address the examiner's concerns.

On page 9, paragraph 2 of the Office Action dated 11/1/2005 the examiner indicates that notwithstanding the limitation that the pairs of contact surfaces “lie ***entirely*** to respective opposite sides of said median plane of separation” the language “at least” in the limitation

describing the contact between the contact surfaces, in view of the open claim language “comprising” is the basis for the application of Malin to the instant claim. Applicant has eliminated the language “at least” from the claim, and thus the grounds for the rejection have been obviated. The construction of the claim would require that the contact between the posts and heels occur *only* between an upper end surface and the complementarily-angled end surface of the opposing member, and that the first and second pairs of such contacting members lie *entirely* to opposite sides of a medial plane of separation. Malin teaches no such structure as the contact between any nominated pairs will necessarily continue to both sides of a medial plane. Applicant respectfully requests reconsideration and withdrawal of the rejection in view of the foregoing.

The Claims are Patentable Over Malin in View of Other Cited References

Claims 9-11 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Malin in view of Bentsen. For the reasons stated above, Malin does not teach each and every limitation of the independent claim 16. There is nothing in Bentsen that can provide the missing elements. Thus, the combination of Malin and Bentsen does not teach each and every element of the claims dependent of claim 16. Accordingly, the rejection must be withdrawn. Reconsideration is therefore respectfully requested.

Claims 12-13 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Malin in view of Bentsen, and further in view of Custer *et al.* As detailed above, claim 16, from which claims 12 and 13 depend are novel over Malin. Neither Bentsen nor Custer *et al.*, nor any combination of the three references provide the missing elements, thus the instant claims are patentable over the combination. Reconsideration is requested, followed by withdrawal of the rejection.

Claims 15 also stands rejected under 35 U.S.C. § 103(a), allegedly in view of a combination of Malin and Kapperman. Kapperman does not provide any of the elements missing from Malin with respect to the independent claim, accordingly, the combination of Kapperman with Malin does not teach each and every element of claim 15. The rejection must be withdrawn and Applicant respectfully requests same.

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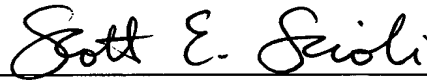
Application No.: 10/070,467

Office Action Dated: November 1, 2005

Conclusion:

This reply is fully responsive to all issues in the outstanding Office Action. The claims are in condition for allowance, and a early and favorable Notice to that end is earnestly requested. The Examiner is invited to contact the Applicant's undersigned representative telephonically at 215-557-5986 to resolve any minor outstanding issues prior to allowance.

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